IN THE HIGH COURT OF DELHI

Bail Application No.3093-94/2005

#	Smt. Veena Kapoor & Anr.	.....	Petitioners
	VERSUS		
$	The State of NCT of Delhi	.....	Respondent

Bail Application No.170/2006

#	Shri Anil Kapoor	.....	Petitioner
	VERSUS		
$	The State of NCT of Delhi	.....	Respondent

Crl.M.C. No.5496-98/2005

#	Shri Satish Kapoor & Ors.	.....	Petitioners
	VERSUS		
$	The State of NCT of Delhi	.....	Respondent

Present : Mr.K.B.Andley, Senior Advocate
with Mr.Murari Tiwari, Advocate
for the petitioners.
Mr.Anil Soni for the State.
Mr.A.K.Sharma for the complainant.

% DATE OF DECISION: 03.09.2007

CORAM:

* **Hon'ble Mr.Justice Pradeep Nandrajog**

1. Whether reporters of local papers may be allowed to see the judgment? Y

2. To be referred to the Reporter or not? Y

3. Whether judgment should be reported in Digest? Y

: **PRADEEP NANDRAJOG, J.**

FIR No.405/05 Dated : 17.9.2005
U/S 406/498A/34 IPC
P.S. Malviya Nagar

1. Vide afore-noted bail applications, husband, father-in-law and mother-in-law of the complainant pray that they be granted anticipatory bail. Vide Crl.M.C.5496-98/05, all the three pray that the FIR be quashed inter alia on the ground that no part of cause of action has accrued at Delhi.

2. Per contra, learned counsel for the complainant and the State submit that meaningfully read, caused of action has accrued at Delhi.

3. Suffice would it be to note that under Section 177 of the Code of Criminal procedure,1973 an offence shall ordinarily be enquired into and tried by a court within whose local jurisdiction offence was committed. In the decision reported as 2004 (2) CC Cases (SC) 289, *Y.Abraham Ajith & Ors. Vs. Inspector of Police, Chennai*, it was held that where no part of cause of action arose within the jurisdiction of a concerned court, proceedings before the Magistrate had to be quashed.

4. Subject matter of the complaint which was quashed

by the Supreme Court was attracting Section 498A and Section 406 IPC.

5. As noted herein above, instant FIR also attracts Section 406 and Section 498A IPC.

6. It is inter alia stated in the complaint that the parties were married at Ferozpur (Punjab) on 19.4.1998. That immediately after the marriage, dowry demand started. That the complainant was left at Delhi in the house of her parents with a demand that if she brought Rs.50,000/- she would be welcome back. Her parents gave Rs.50,000/- and she went back to her matrimonial house. A child was born on 14.2.1999 at Ludhiana. That unfortunately the child born was a girl. This was not to the liking of the in-laws. They kept on demanding more and more dowry. Her parents continued to satisfy the demand of the in-laws. That three times, the husband left the complainant at Delhi and each time her father had to pay money, only thereafter the complainant could go back to her matrimonial house. That on 23.11.2000, complainant gave birth to a male child and hoped that things would settle down. But dowry demand continued. That unfortunately the complainant contacted tuberculosis. Her in-laws refused to treat her. She was left at her parent's house at Delhi. That

on 17.7.2004, the complainant was turned out from the matrimonial house in three clothes.

7. It is urged by learned counsel for the complainant that there is a specific instance when dowry demand was satisfied at Delhi, namely, at the time of the first pregnancy of the complainant. It is urged that in the complaint it has been categorically mentioned that when the in-laws of the complainant left her at her parent's house at Delhi, a demand of Rs.50,000/- was made. On said demand being satisfied, complainant went back to her matrimonial house. It is further submitted that though without particulars, there is a reference to dowry demand being satisfied at Delhi.

8. I am afraid, complainant cannot seek sustenance from the afore-noted pleas for the reason, if she were to fall back on the complaint pertaining to what happened in the year 1999, prima facie, the complaint would be barred by limitation. Needless to state, for an offence under Section 498A IPC, limitation is 3 years.

9. In relation to the second allegation wherein it is stated as under :- "*three times my husband took me to Delhi and left me with my father's house with demand of FDR of Rs.1 lac*", it would be relevant that reference to said demands has

been made before referring to demands made after a male child was born on 23.11.2000.

10. Perusal of the complaint shows that the complainant has given her version in a sequential manner i.e. in priority of time, as and when she alleges the acts of cruelty and dowry demand. Thus, afore-noted allegations pertain to a period prior to 23.11.2000.

11. I refrain from disecting the FIR for the reason, a complaint has to be read holistically and meaningfully. Certainly, not in a pedantic manner.

12. A meaningful reading of the complaint shows that the parties were married at Ferozepur. Matrimonial house of the complainant was at Ferozepur. She parted company at Ferozepur. Gravement of the allegation pertained to what happened at Ferozepur. Under the circumstances, I hold that the cause of action would be at Ferozepur and not at Delhi.

13. Petitions stand disposed of directing the local police to transmit the afore-noted FIR along with record of investigation to the police at Ferozepur. The local police station within the jurisdiction of which matrimonial house of the complainant, namely, house No.133/7, Dhawan Colony, Ferozepur, Punjab is situated would be the one where the FIR

along with the record of investigation would be transmitted.

14. I further direct that in the event of being arrested by the I.O. in the afore-noted FIR, petitioners would be released on bail by the I.O. on their furnishing personal bond in the sum of Rs.10,000/- each with one surety each to the satisfaction of I.O.

15. Dasti.

September 3, 2007 PRADEEP NANDRAJOG, J
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